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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,769	02/03/2000	Tomotaka Yamazaki	SONYJP3.0-098	6673

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EXAMINER	
BROWN, RUEBEN M	
ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/496,769	YAMAZAKI ET AL.	
	Examiner	Art Unit	
	REUBEN M. BROWN	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *5/12/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9, 11-19, 21, 26-29, 31 and 36-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9, 11-19, 21, 26-29, 31 and 36-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Claim Objections

2. Claim 11 is objected to because of the following informalities: Considering claim 11, the amended claim recites, *'one receiving terminal including a specified storage location operable to store said unique terminal information and said update program'*, however, later in the same claim 11, it is recited, *'and then stores MAC address in a location different than the storage location of said update program'*. Since earlier in the claim, the unique terminal information was defined to comprise the MAC address, it appears to be a contradiction. In particular, on the one hand the claim requires that a single location in the receiver stores both the unique terminal information & the update program, but later recites that the MAC address and the update program are stored in different locations. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 6-9, 11, 16-19, 21, 26-29, 31, & 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett (U.S. Pat # 5,845,077), in view of Hrastar, (U.S. Pat # 6,208,656), Chiang, (U.S. Pat. # 5,835,725) and Matsuzaki, (U.S. Pat # 6,058,476).

Considering claim 1, the claimed method of transmitting data from a transmission apparatus to one of a plurality of receiving terminals comprising:

'communicating between the one receiving terminal and the transmission apparatus via an Internet system, such that the receiving terminal is operable to receive a digital broadcasting

signal' is met by the discussion in Fawcett that the system operates over the Internet and that the network is enabled to carry digital data streams, see col. 5, lines 61-67 thru col. 6, lines 1-15.

'receiving authentication data associated with one of the receiving terminals and authenticating the instant authentication data', Fawcett discloses that a logon script may be used in the event that the user chooses to re-connect to the server at a later time in order to receive the updates (col. 8, lines 49-67 thru col. 9, lines 1-20) and also discloses authorization.

Regarding the claimed, *'transmitting unique terminal information identifying the one receiving terminal as a destination and an update program to change the processing of the one receiving terminal, such that the unique terminal identification information being selected in a manner unrelated to the authentication data, and the transmitting step including converting the unique terminal information into converted unique terminal information comprising a key ID and transmitting the converted unique terminal information to the one receiving terminal'*, Fawcett does not discuss the details of the authentication process. Nevertheless Hrastar, which is in the same field of endeavor discloses that after a user is authenticated by the ISP server, a particular IP address (which uniquely identifies the host on the network) is dynamically assigned to the computer (i.e., host) and transmitted to the instant host, see col. 16, lines 30-67 thru col. 17, lines 30 & col. 18, lines 1-40.

Hrastar teaches that the dynamically assigned IP address is taken from a list of available IP addresses, whereas the list of available IP addresses is updated whenever a new host is

assigned IP address' or a host/modem 106 becomes inactive for a certain period of time thereby releasing their assigned IP address, which reads on the claimed feature, *'unique terminal identification information being selected in a manner unrelated to the authentication data'*. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Fawcett with the feature of dynamically assigning IP addresses, instead of static IP address assignment, at least for the advantage of using IP addresses that have been released by inactive hosts, which allows more hosts to access the Internet using the limited IP addresses, see Hrastar col. 3, lines 1-65; col. 6, lines 10-42; col. 11, lines 1-20; col. 15, lines 45-67; col. 19, lines 1-20.

Thus, the claimed subject matter is met by the combination of Fawcett & Hrastar, since Fawcett discloses the specifically claimed, *'update program to change the operation of the terminal'*, for instance see Abstract; col. 2, lines 10-67; col. 3, lines 1-46; col. 5, lines 12-49; col. 10, lines 49-62.

As for the further amended claimed feature of the *'unique terminal information...comprising a MAC address of the receiving terminal'*, Hrastar only discusses using the IP address of the terminal. However Chiang, which is in the same field of endeavor, provides a teaching using a receiving terminal's IP address, as well as its MAC address when the instant terminal communicates with the server. In particular, Chiang teaches that when a client desires to communicate with a server, that a request is made for a MAC address. Subsequently the server assigns a unique MAC address from its list of available MAC addressees, see col. 8, lines 35-67

(which corresponds with the technique of Hrastar assigning a terminal an IP address from its list of available IP addresses).

After the unique MAC address is allocated and accepted by the receiving terminal, then the terminal is enabled to continually communicate with the instant receiving terminal, see Chiang col. 5, lines 21-45. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combination of Fawcett & Hrastar, with the feature of assigning a MAC address, along with an IP address, for the benefit of efficiently supporting communication over one or more physical network(s), as well the Internet, as realized by the user of IP packets, discussed in Chiang, col. 4, lines 45-52 & col. 5, lines 35-45.

As for the additionally claimed feature of the *'receiving terminal comparing the transmitted key ID to an assigned key ID generated at the receiving terminal to determine wither the transmitted key ID and the assigned Key ID are identical, and upon determining that the transmitted key ID and the assigned key ID are identical, updating processing...'*, the combination of Fawcett & Hrastar, do not provide such a feature. However, Matsuzaki provides a teaching of two-way authentication process, in which a receiving terminal device 52 generates a random number (R4), a copy of which (RR4) is appended to a random number generated by a transmitting device 51, (R3), wherein (R3) has been previously transmitted to, decrypted and stored by receiver device 52 (RR3) such that these two numbers, R3||RR4 are used to form a key ID, K, which is used to encrypt private data, mj, being sent from the transmitter 51 to the

receiver 52, see (Fig. 3; col. 12, lines 1-67 thru col. 13, lines 1-62). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Fawcett & Hrastar with the feature of forming a transmission key ID at least partially with a value generated by the receiver, at least for the improved security protocol of authenticating both the transmitter device and the receiver device, as taught by Matsuzaki see col. 4, lines 17-48 & col. 5, lines 45-67.

'returning the converted unique terminal information comprising key ID to the unique terminal information' reads on the user computer terminal in Fawcett (col. 9, lines 1-7) & Matsuzaki decrypting the encrypted information.

'storing the update program in a storage location'; is met by the disclosure in Fawcett that the downloaded software is stored in a directory, col. 8, lines 49-57. 'decoding the transmitted key ID to obtain the MAC address', reads on the combination of Matsuzaki & Chiang. In particular, Matsuzaki discloses that once the converted key ID is authenticated at the receiving terminal that the previously encrypted content (i.e., IP address & MAC address, of Hrastar & Chiang, respectively) is decrypted; see col. 13, lines 29-31 & col. 17, lines 23-26.

'storing the MAC address in a location different from the storage location of the update program', is met by the disclosure of Fawcett that a new directory may be created for the received software, which would inherently mean that any address information would at least be stored in a different directory. However, even if the arrangement discussed in Fawcett does not

explicitly teach that a terminal or MAC address would be stored in a different directory from the update program, Chiang teaches that once a client terminal verifies that the MAC address is proper, that it stores this MAC address in its cache 430, col. 9, lines 45-54, which meets the claimed subject matter.

'transmitting from the one receiving terminal to the transmission apparatus a transfer request based on the update program and the unique terminal information; and supplying data responsive to the transfer request from the transmission apparatus to the receiving terminal based on the unique terminal information' reads on the regular operation of references, which would transmit requests to the server, to be filled in a two-way indication. Fawcett (Fig. 5; col. 5, lines 25-67; col. 8, lines 40-67; col. 9, lines 27-58), Hrastar (col. 9, lines 1-34; col. 16, lines 30-67 thru col. 17, lines 1-16; col. 19, lines 10-16) .

Considering claims 6, 16, 26 & 36, Fawcett (col. 5, lines 21-24) & Hrastar (col. 7, lines 10-19) disclose the alternative use of a satellite transmission system.

Considering claims 7, 17, 27 & 37, Fawcett (col. 5, lines 61-67 thru col. 6, lines 1-65), Hrastar (Abstract; col. 4, lines 45-67 thru col. 5, lines 1-25) discuss Internet communication.

Considering claims 8, 18, 28 & 38, the claimed terrestrial circuit reads on wireless connections, disclosed in Fawcett, (col. 5, lines 1-26) or terrestrial disclosed in Hrastar (col. 7, lines 1-20).

Considering claims 9, 19, 29 & 39, the claimed subject matter is met by any software upgrade that includes visual interface for the user; see Fawcett, col. 6, lines 24-67.

Considering claims 11, 21 & 31, the claimed system, receiving system and method of receiving data comprises elements that correspond with subject matter mentioned above in the rejection of claim 1, and is likewise treated.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Isono Teaches attaching a MAC address, well as IP address to packets transmitted from a headend 21.

B) Kanno Configures client terminal to operate using MAC addressing technology.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:
(571) 273-8300, (for formal communications intended for entry)
Or:
(571) 273-7290 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Annan Q Shang/
Primary Examiner, Art Unit 2623